

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Gary R. Chamberlain, Jr.,

Petitioner,

v.

John McAdorey, et al.

Respondents.

No. CV-23-08033-PHX-SRB(JZB)

ORDER

Petitioner filed his Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on May 8, 2023 raising four grounds for relief: In Ground One, Petitioner alleged that the trial judge and prosecutor “were known associates with the alleged complainants,” that he was denied a speedy and fair trial, that he was wrongfully accused, and that he was denied fair and impartial counsel. In Ground Two, Petitioner alleged that he was denied the right to a fair and speedy trial. In Ground Three, Petitioner alleged that the prosecutor relied on perjured testimony. In Ground Four, Petitioner alleged that he was denied impartial and effective counsel. (Doc. 4 at 1-2.) Respondents filed their Response to Petitioner’s Petition for Writ of Habeas Corpus on June 26, 2023. No reply was filed. On December 21, 2023, the Magistrate Judge issued his Report and Recommendation recommending that the Amended Petition be dismissed with prejudice.

In his Report and Recommendation the Magistrate Judge advised the parties that they had fourteen days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has expired and no objections to the Report and Recommendation have been filed.

1 The Court notes that Petitioner's copy of the Report and Recommendation was returned by
2 the post office. The Arizona Department of Corrections website shows that Petitioner was
3 released on June 30, 2023 and that no mailing address is available. Petitioner has not filed a
4 Notice of Change of Address.

5 The Court finds itself in agreement with the Report and Recommendation of the
6 Magistrate Judge.


7 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate
8 Judge as the Order of this Court.

9 **IT IS FURTHER ORDERED** denying the Petition for Writ of Habeas Corpus and
10 dismissing it with prejudice because Petitioner's claims are procedurally defaulted and
11 Petitioner presented no cause or prejudice to excuse the procedural default.

12 **IT IS FURTHER ORDERED** denying any Certificate of Appealability and leave
13 to proceed in forma pauperis on appeal because dismissal of the Petition is justified by a
14 plain procedural bar and reasonable jurists would not find the procedural ruling debatable.

15 **IT IS FURTHER ORDERED** directing the Clerk to enter judgment accordingly.

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17 Dated this 18th day of January, 2024.

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22 Susan R. Bolton
23 United States District Judge
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